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Docket No.: S0595.0078/P078

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Deborah Chrisman et al.

Application No.: 10/034,369

Confirmation No.: 8707

Filed: December 28, 2001

Art Unit: 3623

For: SYSTEM AND METHOD FOR
SCHEDULING AND TRACKING RETAIL
STORE RESETS AND REMODELS

Examiner: B. V. Doren

APPELLANT'S BRIEF

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Appeal Brief - Patents
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Dear Sir:

This brief is in furtherance of the Notice of Appeal, filed in this case on April 29, 2005.

The fees required under § 1.17(f) for filing this brief were previously partially paid by credit card on June 8, 2005 (\$330.00). A copy of the previously filed credit card form and the PTO Charge Statement for that time period showing proof of payment are attached as Appendix C. You are hereby authorized to charge our credit card for the remaining balance of \$170.00. PTO Form 2038 is attached.

Adjustment date: 06/13/2005 SDEHBOB1
06/10/2004 DENMANU1 00000082 10034369
01 FC:1402 -330.00 OP

06/13/2005 SDEHBOB1 00000051 10034369
01 FC:1402 500.00 OP

In the event a fee is required or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-2215.

CONTINGENT EXTENSION REQUEST

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 CFR § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 CFR § 1.135. The fee under 37 CFR § 1.17 should be charged to our Deposit Account No. 50-2215.

This brief contains items under the following headings as required by 37 C.F.R. § 1.192 and M.P.E.P. § 1206:

- I. Real Party In Interest
- II Related Appeals and Interferences
- III. Status of Claims
- IV. Status of Amendments
- V. Summary of Invention
- VI. Issues
- VII. Grouping of Claims
- VIII. Arguments
- IX. Claims Involved in the Appeal
- Appendix A Claims

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is:

Spar Group, Inc.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 43 claims pending in application.

B. Current Status of Claims

1. Claims canceled: None
2. Claims withdrawn from consideration but not canceled: None
3. Claims pending: 1-43
4. Claims allowed: None
5. Claims rejected: 1-43

C. Claims On Appeal

The claims on appeal are claims 1-43

IV. STATUS OF AMENDMENTS

Applicant filed a Response After Final Rejection on January 13, 2004. The Examiner responded to the Response After Final Rejection in an Advisory

Action mailed February 9, 2004. In the Advisory Action, the Examiner indicated that Applicants' arguments were not persuasive.

Accordingly, the claims enclosed herein as Appendix A incorporate the amendments indicated in the paper filed by Applicant on July 25, 2003.

V. SUMMARY OF INVENTION

The present invention relates to a system and method for electronically managing store resets and store remodels. According to the present system and method, a communication network allows retailers, manufacturers, and other associated parties to automatically manage labor directed to retail store resets and remodels.

Retail stores constantly remodel and reset the product configurations of their stores. Managers face the daunting task of scheduling and tracking labor requirements for store remodels and/or resets. The amount of labor required depends upon many things including the size of the store, the quantity of the products being changed and the type or volume of the products involved. Typically, the labor costs associated with a remodel or reset are borne by the manufacturers. Thus, in many situations, labor costs are shared by multiple manufacturers. These costs should be divided so that each manufacturer pays their fair share of the costs.

In accordance with the claimed method, information related to stores, products, and labor are received electronically. Additionally, labor requirements including the time required to perform a specific activity are received. In one embodiment, the labor requirements are provided in man-hours. When a store

activity is to be performed, the amount of labor needed to perform the specific activity is automatically determined using the store information, product information, labor information, and labor requirements. The party or parties contributing the labor are then electronically notified.

According to one embodiment of the invention, the cost for the labor to perform the store reset or restock is divided among various payors based on the data received. As such, the cost of the labor is fairly divided.

The above-captioned application also includes a system for communicating with a user across a network to manage store activity. The system includes a site processor that receives requests from user terminals through the communication network. A first software module determines total labor needed to perform a store activity as a function of store information, product information, labor information, and labor requirements. A second software module schedules the required store activity and notifies parties contributing labor to the store activity as well as transmits details of the store activity to the parties. A third software module receives feedback from the parties contributing labor to the store activity.

VI. ISSUES

Are the pending claims patentable over Certified Marketing Services, Inc. (www.certifiedmarketingservices.com) ("CMS")?

VII. GROUPING OF CLAIMS

Group I - Claims 1-18.

Group II - Claims 19-43.

In Section VIII below, Applicant has included arguments supporting the patentability of the claims as required by M.P.E.P. § 1206.

VIII. ARGUMENTS

Claims 1-43 are patentable over the art of record. Although the Final Office Action rejected claims 1-43 under 35 U.S.C. § 103(a) as being unpatentable over Certified Marketing Services, Inc. ("CMS") (attached as Appendix B), this reference does not establish a *prima facie* case of obviousness. Independent claims 1, 19, and 32 each recite limitations neither disclosed nor rendered obvious in light of the CMS reference. Because independent claims 1, 19, and 32 are patentable, the Office should also allow their dependent claims 2-18, 20-31, and 33-43.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine references to arrive at the claimed subject matter. The prior art references must also teach or suggest all the limitations of the claim in question. See, M.P.E.P. § 706.02(j). A reference can only be used for what it clearly discloses or suggests. See, In re Hummer, 113 U.S.P.Q. 66 (C.C.P.A. 1957); In re Stencel, 4 U.S.P.Q.2d 1071, 1073 (Fed. Cir. 1987). Here, the reference does not disclose or suggest the invention claimed by the Applicant.

Independent claim 1 requires:

automatically determining an amount of said labor needed to perform said store activity using said store information, said product information, said labor information and said labor requirements

In response to Applicants' argument regarding the 'automatic' limitation, presented in Applicants' response dated January 13, 2004, the Advisory Action states that "using the internet and online data collection, CMS receives information such as labor information, labor requirements, store information, etc., and uses this information to determine labor required and transmit the determined requirements over the network." Applicants respectfully disagree. The portions of the CMS materials cited by the Office are completely silent with respect to how the amount of labor is determined and what information is used in making such a determination. There is simply no disclosure or even suggestion as to how CMS determines the labor requirement, or what information it uses, let alone how the information is collected (see below).

The cited portion of the CMS material on page 1, specifically, sections 1 and 2, merely state that it provides merchandising and detailing services, not how these services are actually accomplished or administered. In fact, CMS explicitly states that "[o]ur account managers will work one-on-one with you, from inception through completion, in order to meet your goals." This statement suggests that CMS's process for determining labor requirement is a case-by-case customized process, just the opposite of the claimed automatic process.

The CMS materials cited at page 4, section 1, indicate that the process for determining the labor requirements is a custom process, individually developed, directed and supervised by the CMS account manager. Applicants respectfully submit that the customized, case-by-case, labor determination

process described in the CMS materials does not fall within the scope of the claimed term.

The CMS materials cited at page 4, section 2, describe the ICAST product. As previously argued, CMS's ICAST product performs functions that occur after the labor determination has already been performed. This post labor determination step in no way teaches or suggests the claimed automatic determination of the amount of labor required to perform the store activity. Electronic systems for performing such coordination and tracking as described with respect to the ICAST system are known in the art and admitted by the Applicants.

As further described below, the CMS material cited on pages 6 and 7 relate to the collection of marketing data by CMS and do not teach or suggest anything with respect to the determination of the amount of labor needed. The data entered on pages 6 and 7 are used "[i]f you represent a company and would like more information regarding CMS services." Page 9 of the cited CMS materials describes how the laborer interfaces with CMS. In fact, laborers log in and request assignments in contrast to the claimed notifying of the parties providing labor. Again, this portion of the CMS material does not teach or suggest anything with respect to the determination of the amount of labor needed. Finally, on cited page 13, CSM describes the types of signage conversion and installation services that it performs. Again, this section of the CMS materials does not contain any disclosure of how the labor requirements for performing these functions is determined.

Applicants' second argument addressed on page 3 of the Advisory Action, relates to the limitation in Claim 1 that the automated labor determination is made "using said store information, said product information, said labor information and said labor requirements." Claim 1 further requires that all of the information used in this automatic labor determination is received electronically. To reject these limitations of Claim 1, the Advisory Action relies on the electronic collection of data disclosed on pages 6 and 7 of the CMS materials. Applicants respectfully submit that the data collected in this section of the CMS materials is merely used for marketing purposes and is not used in CMS' labor determination process. Specifically, above section 1 on page 6, CMS specifically states that "If you represent a company and would like more information regarding CMS services, please provide the information below:" Applicants respectfully submit that one skilled in the art would interpret this web page on the CMS website to merely be a tool for collecting marketing data about potential customers. There is no disclosure or even suggestion that CMS uses this information for anything other than marketing purposes. As previously argued, the type of information captured electronically on this web page by CMS system can absolutely not be used to determine the labor required as recited in independent claim 1.

As there is no teaching or suggestion in the CMS reference for "automatically determining an amount of said labor needed to perform said store activity using said store information, said product information, said labor information and said labor requirements.", withdrawal of the rejection of independent claim 1 on the basis of CMS is therefore respectfully requested.

As claims 2-18 depend from claim 1 and therefore contain all the limitations thereof, withdrawal of the rejection of these dependent claims for the

reasons described above with respect to independent claim 1 is respectfully requested.

Applicants separately argue for the patentability of independent claim 19. Independent claim 19 requires:

determining a fair share of a total amount of labor needed to perform said store activity as a function of at least one of said store information, said product information, said labor information and said labor requirements

Applicants incorporate by reference the previous arguments that term “fair share” as is known in the merchandising industry is not the same as “fair share” is used generally with respect to labor. Furthermore, as described above with respect to claim 1, CMS does not describe electronically receiving the store information, the product information the labor information and the labor requirements such that it can make the fair share determination.

As CMS does not teach or suggest making a “fair share” determination, withdrawal of the rejection of independent claim 19 is therefore respectfully requested. Claims 20-31 depend from independent claim 19 and therefore contain the “fair share” limitation thereof. Applicants respectfully request withdrawal of the rejection of dependent claims 20-31 on the basis of the arguments above with respect to independent claim 19.

Claim 32 is a system implementation of the fair share method as described above with respect to claim 19. As the CMS system does not describe a first software module that determines the “fair share of labor”, withdrawal of the rejection of independent claim 32 is therefore respectfully requested. Dependent

claims 33-43 each depend from independent claim 32 and therefore contain the “fair share” limitation thereof. Withdrawal of the rejection of dependent claims 33-43 on the basis of the above remarks is therefore respectfully requested.

Applicants have shown that the CMS system does not describe a system for automatically determining the labor required to perform a store activity. Applicants have furthermore shown that the CMS reference does not in any way disclose, teach or suggest the determination of a “fair share” of labor required to perform the store activity. As such, Applicants respectfully submit each of the claims of the present application are patentably distinguished from the CMS reference. As each of the claims of the present application are currently in condition for allowance, such action is earnestly solicited.

IX. CLAIMS INVOLVED IN THE APPEAL

A copy of the claims involved in the present appeal is attached hereto as Appendix A. As indicated above, the claims in Appendix A do include the amendments filed by Applicant on May 15, 2004, and do not include the amendment(s) filed on January 13, 2004.

Dated: June 10, 2005

Respectfully submitted,

By 

Ian R. Blum

Registration No.: 42,336

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IRB/mgs

APPENDIX A

Claims Involved in the Appeal of Application Serial No. 10/034,369

1. A method for managing a store activity, said method comprising:
electronically receiving store information, said store information including information related to stores;
electronically receiving product information, said product information including information related to products;
electronically receiving labor information, said labor information including information related to labor;
electronically receiving labor requirements, said labor requirements representing estimates of time required to perform said store activity;
receiving a request for labor to perform said store activity;
automatically determining an amount of said labor needed to perform said store activity using said store information, said product information, said labor information and said labor requirements; and
electronically notifying parties contributing said determined labor.
2. The method of claim 1, wherein said store information further includes at least one of individual store characteristics, store locations, store departments and store groups.
3. The method of claim 2, further comprising providing at least one graphic representation of said stores in response to said electronically received store information, said at least one graphic representation comprising at least one image of at least one of a store shelf, at least one store aisle, a store entrance, and a store facade.

4. The method of claim 1, wherein said product information further includes at least one of individual product characteristics, product categories and manufacturers.

5. The method of claim 1, wherein said step of determining said amount of labor comprises estimating time required to perform said store activity.

6. The method of claim 1, wherein said step of determining said amount of labor further comprises determining a fair share of a total amount of labor needed to perform said store activity as a function of said store information, said product information and said labor information.

7. The method of claim 6, wherein said step of determining said fair share comprises identifying a total number of hours required for each of said parties with respect to said store activity.

8. The method of claim 1, wherein said labor information further includes at least one of identification of labor brokers, identification of manufacturers and identification of labor forces.

9. The method of claim 1, wherein said store activity is at least one of a store reset, a store remodel and a category implementation.

10. The method of claim 1, wherein said determined labor is presented as a number of hours.

11. The method of claim 1, further comprising generating a plurality of reports, said plurality reports including an invoice report, a fair share report, a billing report, an all store remodel report and a noncompliance report.

12. The method of claim 1, further comprising electronically receiving feedback from said parties contributing said determined labor.

13. The method of claim 1, further comprising transmitting a feedback call form to enable parties contributing labor to said store activity to submit feedback regarding said store activity.

14. The method of claim 13, wherein said step of transmitting a feedback call form comprises defining a first question regarding said store activity, identifying a format for a first answer to said first question, defining a second question in response to said first answer to said first question, and defining a third question in response to a third answer to said first question.

15. The method of claim 1, further comprising modifying at least one of said store information, product information and labor information.

16. The method of claim 1, further comprising determining a degree of compliance of each of said parties contributing said labor to said store activity.

17. The method of claim 16, where said compliance comprises performing said labor for said store activity and transmitting feedback directed to said labor for said store activity.

18. The method of claim 16, further comprising assigning fines to parties for noncompliance.

19. A method for using a user terminal coupled to a site processor across a

communication network to manage a store activity, said method comprising:

electronically receiving store information, said store information including at least one of individual store characteristics, store locations, store departments and store groups;

electronically receiving product information, said product information including at least one of individual product characteristics, product categories and manufacturers;

electronically receiving labor information, said labor information including at least one of labor brokers, manufacturers and labor forces;

electronically receiving labor requirements, said labor requirements representing estimates of time required to perform said store activity for each of said product categories;

determining a fair share of a total amount of labor needed to perform said store activity as a function of at least one of said store information, said product information, said labor information and said labor requirements;

electronically scheduling said store activity, said step of electronically scheduling including electronically notifying parties contributing labor to said store activity and transmitting details of said store activity to said parties; and

electronically receiving feedback from said parties contributing said labor to said store activity.

20. The method of claim 19, wherein said store activity is at least one of a store reset, a store remodel and a category implementation.

21. The method of claim 19, wherein said fair share of labor is presented as a number of hours.

22. The method of claim 19, further comprising generating a plurality of reports.

23. The method of claim 22, wherein said plurality of reports comprises an invoice report, a fair share report, a billing report, an all store remodel report and a noncompliance report.

24. The method of claim 19, further comprising transmitting a feedback call form to enable parties contributing labor to said store activity to submit feedback regarding said store activity.

25. The method of claim 24, wherein said step of transmitting a feedback call form comprises defining a first question regarding said store activity, identifying a format for a first answer to said first question, defining a second question in response to said first answer to said first question, and defining a third question in response to a third answer to said first question.

26. The method of claim 19, wherein said step of determining said fair share comprises identifying a total number of hours required for each of said manufacturers with respect to said store activity.

27. The method of claim 19, further comprising modifying at least one of said store information, product information and labor information.

28. The method of claim 19, further comprising determining a degree of compliance of each of said parties contributing said labor to said store activity.

29. The method of claim 28, where said compliance comprises performing said labor for said store activity and transmitting feedback directed to said labor for said store activity.

30. The method of claim 28, further comprising assigning fines to parties for noncompliance.

31. The method of claim 19, further comprising providing at least one graphic representation of said stores in response to said electronically received store information, said at least one graphic representation comprising at least one image of at least one of a store shelf, at least one store aisle, a store entrance, and a store facade.

32. A system for communicating with a user terminal across a communication network to manage store activity, said system comprising:
a site processor adapted to receive requests from said user terminal through said communication network;

a first software module operating on said site processor, said first software module determining a fair share of a total amount of labor needed to perform said store activity as a function of at least one of store information, product information, labor information and labor requirements;

a second software module operating on said site processor, said second software module scheduling said store activity, said second software module further notifying parties contributing labor to said store activity and transmitting details of said store activity to said parties; and

a third software module operating on said site processor, said third software module electronically receiving feedback from said parties contributing labor to said store activity.

33. The system of claim 32, wherein said store activity is at least one of a store reset, a store remodel and a category implementation.

34. The system of claim 32, wherein said fair share of labor is presented as a number of hours.

35. The system of claim 32, further comprising a fourth software module operating on said site processor, said fourth software module generating a plurality of reports.

36. The system of claim 35, wherein said plurality of reports comprises an invoice report, a fair share report, a billing report, an all store remodel report and a noncompliance report.

37. The system of claim 32, further comprising a fifth software module operating on said site processor, said fifth software module transmitting a feedback call form to enable parties contributing labor to said store activity to submit feedback regarding said store activity.

38. The system of claim 37, wherein said feedback call form comprises a first question regarding said store activity, a second question defined in response to a first answer to said first question, and a third question defined in response to a third answer to said first question.

39. The system of claim 32, wherein said fair share comprises identifying a total number of hours required for each of said manufacturers with respect to said store activity.

40. The system of claim 32, further comprising a sixth software module operating on said site processor, said sixth software module modifying at least one of said store information, product information and labor information.

41. The system of claim 32, further comprising a seventh software module operating on said site processor, said seventh software module determining a degree of compliance of each of said parties contributing said labor to said store activity.

42. The system of claim 41, where said compliance comprises performing said labor for said store activity and transmitting feedback directed to said labor for said store activity.

43. The system of claim 32, further comprising an eighth software module operating on said site processor, said eighth software module providing at least one graphic representation of said stores in response to said store information, said at least one graphic representation comprising at least one image of at least one of a store shelf, at least one store aisle, a store entrance, and a store facade.

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APPENDIX B

Certified Marketing Services, Inc. - On-Site Retail Merchandising & Package Conversion

Page 1 of

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Service
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Certified Marketing Services

In-Store, 3rd Party Retail
Merchandising
On-Site, In-Store Package Conversion

Signage Conversion & Installation

Certified Marketing Services, Inc. is a full-service, national field organization providing in-store retail merchandising and detailing, on-site new package conversion, and signage conversion and installation. Our team of more than 3,000 core merchandisers covers the entire United States and its territories, as well as Canada.

Because each client has different goals, CMS provides customized programs to meet your objectives. Our account managers work one-on-one with you, from inception through completion, in order to meet your goals. Our advanced Internet technology allows for online data collection and reporting, so access to your time-sensitive reports is available through our secure website.

Click on the links to learn how CMS can provide you with a full range of services on a regional or national level that will positively and decisively impact your revenues!] 3

If you are a client wishing to access your online reports, please click [HERE](#).] 4

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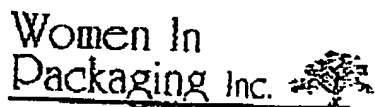
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Certified Marketing Services

**In-Store, 3rd Party Retail
Merchandising
On-Site, In-Store Package Conversion****Signage Conversion & Installation**

1. Certified Marketing Services, Inc. (CMS) is a full-service, national field organization providing in-store / on-site retail merchandising and detailing, on-site / in-store new package conversion, and signage conversion and installation. Our team of more than 3,000 core merchandisers covers the entire United States and its territories, as well as Canada. CMS industry experience of more than 20 years has provided the foundation for our progressive and innovative programs, as we continue to raise and define market standards.

2. CMS is located two hours north of New York City, and 30 minutes south of Albany, in Kinderhook, NY. Financial, administrative, and information systems / data management are all run from this office. New York also houses a 50-station computer-aided telephone interview operations call center. Our advanced Internet technology provides online data collection and reporting.

Industry Affiliations:

For more information on how CMS can exceed your expectations, contact Jamie Stickles
fill out our [Request Information/Quote form](#) today!

<http://web.archive.org/web/20010614234718/www.certifiedmarketingservices.com/CompanyBackground.asp> 3/16

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In-Store, 3rd Party Retail
Merchandising

On-Site, In-Store Package Conversion

Signage Conversion & Installation

Service Advantages

1 Certified Marketing Services, Inc. (CMS) is a full-service, national field organization providing in-store retail merchandising and detailing, on-site new package conversion, and signage conversion and installation. Our team of more than 3,000 core merchandisers covers the entire United States and its territories, as well as Canada.

2 Internet Reporting and Data Collection

With its full range of Internet capabilities, CMS is able to collect field data via the Internet for the most efficient and accurate processing of data. The information is then viewed by the client through CMS' secure website, using a reporting tool designed precisely to the client's specifications. The client is able to select and view the data in any configuration and cross-tabulation.

3 Client Reporting

CMS believes its clients should receive the information we collect in whatever form they desire. The CMS Service Management Team works with you to design the appropriate reporting style to meet your needs.

4 With advanced project tracking and reporting systems, CMS can provide clients with "real time" reporting of store level conditions. Reporting includes, but is not limited to: 24 hour exception reporting, weekly store-level detail reporting, and final program-tabulated summary reporting for clear program analysis.

5 Whether it's website reporting, email, or overnight hardcopy delivery, each client decides the appropriate format and mode of delivery. We understand that your needs can change over time, and we're prepared to adapt at a moment's notice. To view a sample of how CMS can provide your data online, contact Jamie Stickles, Director of Client Services.

6 Data Collection

Information regarding completed visits is provided to CMS via the Internet, phone, or fax. The majority of our reports are collected online, or through our toll-free fax line. Faxed reports can be collected via ServiceScan, our automated field data collection system.

ServiceScan couples user-friendly, facsimile-based server technology with OCR (optical character recognition) technology for the most efficient and detailed store-call reporting system in the service industry. CMS can utilize the dynamic flexibility of ServiceScan to provide unique call reports for every different retailer that we service on behalf of our clients

Project Management System

The CMS Service Management Team is available to you every step of the way. CMS dedicates an Account Manager to work closely with you to meet project goals within your time requirements and budget constraints. Your Account Manager works with you to design field forms/questionnaires and instructions and coordinates the project set up and activity with each department at CMS. Throughout the program, the dedicated Account Manager monitors the daily activity, providing you with updates and other actionable information.

Zone Managers based in our corporate office are responsible for specific geographic territories and provide the daily contact with their fieldworkers. Zone Managers track progress and store completion for each service program.

CMS' In-Market Supervisors cover top market regions and are designated to "Tour Markets with Clients' Eyes," conducting service reviews with store management.

ICAST Automated Project Tracking

CMS' advanced assignment and tracking system, ICAST, enables us to uniformly coordinate and track national field services & fieldworker schedules on one centralized system yielding timely completion. ICAST serves as an on-line data warehouse for field workers' performance history, as well as store specific information.

Quality Assurance

Continuous attention to quality assurance measurement helps CMS maintain its ongoing commitment to a premium standard of field service. For every program, CMS provides a variety of quality assurance processes. CMS actively seeks feedback from store personnel and provides a number of vehicles for Managers to contact us.

Quality Assurance processes at CMS include:

- Customer Service Hotline for Clients and Store Personnel has specially designed software to track all issues for same-day customer issue resolution and future performance analysis
- CMS' Customer Satisfaction Surveys are left with each Department Manager for every service call. The average response rate of the Customer Satisfaction Surveys is 33% yielding an average satisfaction rating of 98%.
- Quality Assessment Audits between In-Market Supervisors and store management
- CMS' Review Department will inspect all completed field forms returned by fieldworkers to check for management signature and to review other aspects of service compliance
- CMS' proprietary tracking system has built-in logic to flag potential inconsistencies for immediate resolution
- Quality Control Calls to a percentage of the stores visited each week

For more information on how Certified can exceed your expectations, contact Jamie Stickles or fill out our Request Information/Quote form today!

Contact:
Jamie Stickles

Director of Client Services
(518) 758-6403 ext. 267
jstickles@criny.com

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In-Store, 3rd Party Retail
Merchandising
On-Site, In-Store Package Conversion

Signage Conversion & Installation

If you represent a company and would like more information regarding CMS services, please provide the information below:

Contact Information:

Fields in bold are required.

Name:
Title:
Company:
Address:
Phone:
Fax:
E-mail:

Type of service required:

- ☐ Merchandising
☐ Package Conversion
☐ Signage Conversion/Installation

If you would like a quote for your requested service(s), please add the following information and submit below:

Scope of service:

Chain Name:
Number of Locations:
Coverage: ☐ Regional ☐ National ☐ International
Electronic List Available: ☐

Specifications of Service:

Tasks - Activities to be performed

1

2

Timeframe of service:

Start Date:

Completion Date:

Frequency of visits:

Check appropriate:

☐ One

☐ Bi-Monthly

Time

☐ Weekly

☐ Quarterly

☐ Monthly

☐ Annually

☐ Other

3

Reporting requirements:

Check all that apply:

☐ Detail

☐ Summary

☐ Exception

Reporting delivered via:

Check all that apply:

☐ Web Site

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4

Please enter any other relevant criteria:

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Username:

Password:

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If you are a client, please log in [HERE](#).

[Click here to request a username and password.](#)
(Current Fieldworkers Only)

[Forgot your username or password?](#)

[Interested in becoming a Certified Fieldworker?](#)
[CLICK HERE!](#)

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Welcome to Certified

Home

Fieldworker
Access/Login

The Leaders in National, On-Site

Fieldworker
FAQ

3rd Party Retail Merchandising Services

Pay Inquiry

Frequently Asked Questions

Company
Background

How do I get assignments?

Support

The Certified website allows you to view and offer your services for open contracts/assignments. Assignments of contracts are based on location, as well as contractor history of successful contract completion. After you request an assignment, it will show up as "Pending" when you view your information. This means that the assignment has not yet been assigned to anyone by the Zone Manager. If the assignment status is "Outstanding," it has been assigned to you. Currently, if you are chosen for an assignment you will receive a confirmation call from the Zone Manager before it is assigned to you. If the assignment status is "Unavailable," then it has been assigned to another Fieldworker. Please keep in mind that the same assignment may be requested by many Fieldworkers. The number of available assignments is always changing, so you may want to check back often if you don't find an assignment that fits your criteria.

Who do I contact with questions regarding Assignments posted on the web site?
You can email us at support@criny.com, or by calling 1-800-320-1290 you can reach someone who can answer your questions.

When do I fulfill the contract/assignment?

Please review the guidelines related to all assignments for which you've contracted. There will be an indication of when the assignment should be completed.

What happens if I cannot fulfill the contract/assignment?

You should contact us as soon as possible at 800-320-1290 to advise if you have any difficulties. Failure to complete assignments without contacting us first will diminish your chances of receiving further assignments.

What do I do when I fulfill the contract/complete the assignment?

You need to promptly furnish the results to Certified either online, via telephone, or fax. The original, completed, and legible paperwork should be mailed within 24 hours, as we cannot bill a client without it.

When am I paid?

Payment will typically take place within 4-6 weeks of contract fulfillment. Your field form itself will be your invoice, unless you receive a separate invoice in your paperwork. This varies by assignment.

How often will I receive assignments?

The number of assignments can vary due to location and the number of Fieldworkers in your area.

Certified assignors also consider the following:

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- Timely completion of assignments
- Returning phone or email inquiries from Certified quickly, especially regarding contract completion status
- Immediate reporting, and subsequent mailing, of completed assignments

How do I get a User Name and Password?

You can get a User Name and Password for our web site by completing the following process:

- 1) You must be a registered Independent Contractor (Fieldworker) for Certified. This can be done by filling out our on-line Independent Contractor form.
- 2) Once you are in our database, you can click on the Fieldworker Access/login link, and then click on the Request a user name and password link.

What do I do if I have forgotten my User Name and/or Password?

If you have forgotten your User Name and/or Password, you can receive it by clicking on the Fieldworker Access/Login link and then click on the "Password?" button.

How do I download paperwork?

In order to download paperwork, you are required to have Adobe Acrobat reader, which you can download from Adobe Acrobat link. Not all projects have downloadable paperwork, so only those that do will have a download paperwork link. If your assignment does not have downloadable paperwork, then it will be delivered to you along with your other materials, if appropriate.

How do I enter my completed report online?

Not all reports will be collected in this manner. Your guidelines or field form will indicate which options you have to report your results. If online data entry is available for your report, you can click on the "enter your report online" link after signing in online. Whatever method of reporting you choose, you should report your results as quickly as possible.

Who do I contact with Technical problems using this web site?

Please send all technical inquiries to Technical Support.

[Click here to continue]

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The Leaders in National, On-Site

3rd Party Retail Merchandising Services

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Certified Marketing Services

Certified Marketing Services, Inc.

7 Hudson St. Kinderhook, NY 12103 (518) 753-6400

In-Store, 3rd Party Retail
Merchandising

On-Site, In-Store Package Conversion

Signage Conversion & Installation

In-Store, 3rd Party Retail Merchandising Services

How do you ensure placement of your product and point of purchase materials? Does the time sensitivity of recalls, returns, new product introductions or promotions create pressure at home office for in-store execution? Certified Marketing Services can help!

CMS has conducted merchandising and detailing service visits at thousands of store locations across a diverse range of retail channels. These channels include: mass merchants, department stores, chain drug, convenience stores, specialty retailers, home improvement centers, grocery, mall based locations, and more.

We provide our clients with the following types of visits:

- Cycled
- Project-based
- Blitz
- "Time-definite," scheduled to coincide with product delivery and replenishment flow

Merchandising services include:

- Display setup and maintenance
- Restock and replenish to plan-o-gram
- Product cut-in
- Out-of-stock reporting
- Shelf tag / authorized product distribution check
- Reorder and returns processing
- Assembly and placement of point-of-purchase material
- National handling and distribution of point-of-purchase material
- Inventory work
- Price sticker and signage conversion
- Audit and market research services including:
 - Identification of display and product placement
 - Computerized store floor plans
 - Observation of store and competitive promotions
 - Competitive product pricing

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o Brand information

For more information on how Certified can exceed your expectations, contact Jamie Stickles, or fill out our Request Information/Quote form today!

Contact:

Jamie Stickles
Director of Client Services
(518) 758-6403 ext. 267
jstickles@criny.com

Don't see all the services you are looking for? Visit Certified Reports to find out how they can fulfill your auditing, mystery shopping, and theatre checking & evaluation requirements

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Certified Marketing Services

In-Store, 3rd Party Retail
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Signage Conversion & Installation

Signage Conversion and Installation

With millions of dollars spent by manufacturers and retailers on product signage, signage placement at the retail level is critical.

CMS can take care of every detail for you, from distribution to placement. Our experienced merchandisers will replace your old signage, making sure it is in the correct location. While we're there, we can also conduct inventory counts, restock the shelves, and make sure the product is neat and orderly. The POP material can be drop-shipped to the stores, or distributed through our central warehouse. Whatever level of service you require, CMS can tackle even the most complex requirements on a regional or national level.

CMS's Signage Conversion and Installation experience includes:

- CMS placed over 250,000 POP items and replenished over 375,000 displays at 115,000 retail stores within 6 weeks when a national credit card company converted their in-store signage and POP.
- CMS placed new signage on over 52,000 packages across 6,200 mass retailers.
- CMS conducted visits at over 30,000 retailers (mass, grocery, convenience, drug) for the placement of rebate stickers. Rebate stickers were placed on over 1 million units 21 days.
- CMS merchandisers visited 10,000 regional locations (grocery, drug, gas, and convenience) for the storewide replacement of over 100,000 newly designed point-of sale materials.

For more information on how CMS can accomplish all of your signage needs, contact Jami Stickles, or fill out the Request Information/Quote form today!

Contact:

Jamie Stickles
Director of Client Services
(518) 758-6403 ext. 267
jstickles@criny.com

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Retail Audits & Surveys since 1956

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Certified Reports, Inc.

Mystery Shopping
On-Site Retail Audits
Theatre Checking & Evaluation
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Marketing Research

Marketing Research Services

Certified Reports offers a number of traditional and non-traditional full-service research services to its clients. CRI works with each client individually, in order to best target the information that is needed, in a format that is easily understood and utilized. CRI works with each client in designing a research methodology, questionnaire format, and sampling plan that best meets their business objectives. CRI offers clear, expert computer tabulation, analysis, and final reporting as well.

CRI's research specialists combine over 100 years of market research and information gathering experience. Our analysis and reporting will clearly and accurately give you the information necessary to plan marketing or business strategies.

Marketing Research services include:

- Out-of-Home Advertising Surveys including advertising recall surveys, and ad verification audits and compliance checks
- Field Intercept Interviews at retail locations, college campuses, movie theatres, etc.
- Audience Reaction Surveys of premiering movies, movie trailers, etc.
- Customer Satisfaction Surveys
- Traffic Counts
- And more!

National in its reach, and exacting in its commitment to quality research, CRI is the best choice you can make in a marketing research service.

For more information on how CRI can exceed your expectations, contact Jim Radcliff, or fill out our Request Information/Quote form today!

Contact:

Jim Radcliff
Vice President
(518) 758-6403 ext. 250
jradcliff@criny.com

Certified Reports, Inc. - Marketing Research

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Don't see all the services you are looking for? Visit Certified Marketing Services to find out how they can fulfill your on-site retail merchandising requirements.

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Certified Reports, Inc.

Mystery Shopping
On-Site Retail Audits
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On-Site Retail Audits

Are your products well positioned and well presented on the sales floor? Are your point of purchase materials present and prominently displayed to attract customers to your product? Are your out-of-stocks "out of control"? Certified Reports can assist you in answering these questions.

CRI provides professional on-site auditing services for retailers and manufacturers across the United States and Canada, and has more than 40 years of on-site auditing experience.

CRI provides a variety of on-site, in-field auditing capabilities, which include:

- Proof-of-Performance audits
- Out-of-home advertising audits
- Inventory counts, audits, and reconciliation by sku
- Verification of point-of-sale materials
- Display presence/location
- Availability of products (i.e.: out-of-stocks, authorized product distribution checks, facings, shelf position)
- Price points
- Competitive: presence, location, price point
- Employee product knowledge (i.e.: specific brands, special promotions, suggestive selling)
- Trade interview with management
- Computerized store or department floor plan reports
- Warehouse audits
- Distribution audits

You need to know that store personnel are selling your products the way you desire them to be sold. Ensure that the retail locations and personnel are adhering to special product promotions, and that your products are getting the space, display, and in-store ads that you pay for! In all cases, programs are developed to provide reports that give timely, accurate and actionable information to protect client investment in product and advertising dollars.

For more information on how CRI can provide you with accurate and actionable information, contact Jim Radcliff, or fill out our Request Information/Quote form today!

Certified Reports, Inc. - Auditing

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Contact:

Jim Radcliff

Vice President

(518) 758-6403 ext. 250

jradcliff@criny.com

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The Experienced Leaders in National On-site
Retail Audits & Surveys since 1956



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Mystery Shopping
On-Site Retail Audits
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Services
Marketing Research

Theatre Checking Services for Distributors

Certified Reports has provided national on-site checking and information gathering services on behalf of the motion picture industry for over 40 years. CRI uses its national network of over 17,000 dedicated and trained theatre checkers and evaluators to provide a service standard second-to-none in the industry.

Some of our Theatre Checking Services include:

- Proof-of-Performance Audits are conducted at theatres to provide clients with information including trailer compliance, audience reaction measurement, and promotional materials placement.
- Audience Reaction Surveys
- Open Checking
- Blind Checking
- Custom Trailer Reporting, including Circuit Ranking and No-Show Reports
- Theatre Seating Capacity Counts
- Drive-In Car Counts
- Patron Counts

Evaluation Services for Theatre Chains

CRI offers a full theatre evaluation package, with a menu of services, including checks on:

- Theatre housekeeping
- Ticket handling
- Concessions
- Employee appearance
- Employee performance
- Patron counts
- And more!

Our "checkers" look like patrons, not professional checkers or investigators, so the information you get is a true picture of what is happening in your theatres. CRI works with each client individually, to make sure we provide the exact information you are looking for. Whether you need theatre coverage on a regional or national basis, CRI's wide national

reach ensures that we will cover the areas you want when you want. In addition, CRI can also provide custom services according to your needs. National in its reach, and exacting in its commitment to quality research, CRI is the best choice you can make in an exhibitor service.

For more information on how CRI can exceed your expectations, contact Jim Radcliff, or fill out our Request Information/Quote form today!

Contact:

Jim Radcliff
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(518) 758-6403 ext. 250
jradcliff@criny.com

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Application No.: 10/034,369

Docket No.: S0595.0078/P078

APPENDIX C

✓Credit Card ending with: ...1002

Start Acctg Dt: 05/12/2004 End Acctg Dt: 06/11/2004

Credit Card Sales

Accounting Dt	Create Dt	Amount	Fee Code	Pstng Ref Text	Attorney Docket Num
06/07/2004	06/07/2004 01:20:19 PM	\$72.00	1202	09812105	S2856.0021/P021
06/07/2004	06/07/2004 01:20:19 PM	\$258.00	1201	09812105	S2856.0021/P021
06/07/2004	06/07/2004 01:20:19 PM	\$420.00	1252	09812105	S2856.0021/P021
06/08/2004	06/08/2004 02:13:19 PM	\$910.00	1551	6154887	
06/08/2004	06/08/2004 12:05:11 PM	\$770.00	1801	09334354	U2054.107/P107
06/08/2004	06/08/2004 01:30:07 PM	\$290.00	1203	10743918	A5868/0032
06/08/2004	06/08/2004 11:35:22 AM	\$335.00	6001	76595241	E3331.0641
06/09/2004	06/08/2004 08:40:25 PM	\$385.00	2801	09782329	F.11152
06/09/2004	06/08/2004 08:40:25 PM	\$1,005.00	2255	09782329	F.11152
06/10/2004	06/09/2004 08:41:17 PM	\$330.00	1402	10034369	S0595.0078/P
06/10/2004	06/09/2004 08:41:17 PM	\$110.00	1251	10034369	S0595.0078/P
06/10/2004	06/09/2004 10:34:33 PM	\$770.00	1801	09792719	P/2635-65
06/10/2004	06/10/2004 12:20:24 PM	\$18.00	1615	10496110	G0126.0230

Deposit Account Replenishments

Accounting Dt

No DA replenishments could be found

Suspended Payments

Seq Num

No suspended payments could be found

Create Dt

Amount

Pstng Ref Text

DA Number

Accounting Dt

Customer Name

Comments

Amount

Pstng Ref Text

Refunded Payments

Seq Num

Accounting Dt

Amount

Pstng Ref Text

Customer Name